

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

JOHNSON & JOHNSON and JOHNSON &
JOHNSON CONSUMER COMPANIES, INC.,

Plaintiffs,

v.

THE AMERICAN RED CROSS, LEARNING
CURVE INTERNATIONAL, INC., MAGLA
PRODUCTS, LLC, WATER-JEL
TECHNOLOGIES, INC., and FIRST AID
ONLY, INC.,

Defendants.

Case No. 07-CV-7061 (JSR/DCF)

**ECF CASE
ELECTRONICALLY FILED**

**DECLARATION OF DAVID MELTZER IN SUPPORT OF DEFENDANTS'
OPPOSITION TO PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT**

I, David Meltzer, being of mature age and having the mental capacity to do so, hereby declare and state as follows:

1. I am employed at the American National Red Cross (the "American Red Cross" or "ARC") as Senior Vice President, International Services. The American Red Cross is a federally chartered nonprofit corporation located at 2025 E Street NW, Washington, DC 20006.

2. I submit this Declaration in support of Defendants' Opposition to Plaintiffs' Motion for Summary Judgment based on my personal knowledge from working at the American Red Cross and other factual matters known to me.

3. The American Red Cross helps vulnerable people around the world to prevent, prepare for, and respond to disasters, complex humanitarian emergencies, and life-threatening health conditions.

4. The American Red Cross accomplishes this goal by working within the International Red Cross and Red Crescent Movement—the world’s largest humanitarian network with more than 180 Red Cross and Red Crescent national societies and approximately 100 million volunteers. In all our work, we abide by the seven fundamental principles of the International Conference of the Red Cross and Red Crescent: humanity, impartiality, neutrality, independence, voluntary service, unity, and universality.

5. The International Federation of Red Cross and Red Crescent Societies (often called the Federation) is an umbrella organization of national Red Cross and Red Crescent Societies that coordinates relief efforts throughout the world.

6. The International Committee of the Red Cross (“ICRC”) is an impartial, neutral and independent organization whose exclusively humanitarian mission is to protect the lives and dignity of victims of war and internal violence and to provide them with assistance.

7. Although the American Red Cross has a close relationship with the ICRC and endeavors to cooperate with the ICRC and all its sister national societies, the American Red Cross’ relationship with the ICRC and its sister national societies is not hierarchical in nature and the ICRC has no authority or oversight with respect to the American Red Cross’ activities.

8. Thus, regulations, guidelines and model laws advanced by the ICRC are not binding and do not impose any legal obligations on the American Red Cross, or any of its sister national societies.

9. National societies are autonomous organizations that carry out their humanitarian activities according to local needs in accordance with their respective countries' own laws and regulations. There are over 180 national societies throughout the world, in different countries, with different customs, needs and laws. It is within the discretion of each of the national societies to determine how best to carry out their humanitarian mission subject to the laws and regulations of their respective countries.

10. Further, states party to the Geneva Conventions are responsible for determining the scope of national legislation adopted to implement the Geneva Conventions. Thus, while nations are bound to the Geneva Conventions, national societies are not.

11. National implementation of the Geneva Conventions falls to the individual states that are party to the conventions. The national societies are then bound by the laws and regulations adopted by the government in which it is located.

I declare the foregoing to be true and correct under penalty of perjury. This Declaration is executed by me in Washington, D.C. this 5th day of December, 2007.


David Meltzer